

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 490.135, the Secretary of State amends Chapter 40, "Corporations," Iowa Administrative Code.

The rules in Chapter 40 specify actions related to applications and filing requirements for corporations. This amendment adds new rule 721—40.9(490), which requires that a registered agent if filing online provide an e-mail address through which to receive notices and other communication pursuant to Iowa Code sections 490.120 and 490.135.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin on November 16, 2011, as **ARC 9859B**. Public comments were received. A suggested change has been incorporated in the adopted rule and clarifies that e-mail addresses will be classified as private information and collected for the purpose of providing official correspondence from the Secretary of State's office.

After analysis and review of this rule making, no substantial impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 490.

This amendment will become effective on February 15, 2012.

The following amendment is adopted.

Adopt the following new rule 721—40.9(490):

721—40.9(490) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents.

40.9(1) Registered agents who file documents electronically must provide an e-mail address to the secretary of state.

a. An e-mail address disclosed in compliance with this rule shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the secretary of state.

b. The secretary of state may use e-mail for official correspondence with an entity, except when law requires delivery by United States mail.

40.9(2) For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state's Internet Web site for each electronic filing.

40.9(3) All correspondence related to an electronic filing shall be handled electronically in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D.

40.9(4) Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by check, credit card, or secretary of state charge account.

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